



# The HIGH ROAD

*"Preserving public confidence in public servants."*

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Hawaii State Ethics Commission

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## COMMISSION HONORS THE REVEREND ROBERT MACKEY

On August 30, 1995, the State Ethics Commission issued a resolution recognizing The Reverend Robert Mackey for his tremendous contributions to Hawaii in the area of governmental ethics. Father Mackey dedicated many years to public service as a proponent for the highest ethical standards in government. He passed away on September 5, 1995.

In the late 1960's and early 1970's, Father Mackey advocated for ethics reform as a member and then as chairman of the Honolulu City Ethics Commission. He helped focus public attention on the need to commit public resources to maintain high standards of ethical conduct in government.

Father Mackey also taught university classes on ethics at Chaminade University of Honolulu--a school that he founded in 1955 and served as president for eleven years. As an educator, he instilled in his students a greater appreciation of ethics.

For many years, Father Mackey shared his enthusiasm for ethics as a judge for the State Ethics Commission's annual high school essay contest. He provided a valuable contribution to the ethics education of Hawaii's high school students.

In its resolution, the Commission commended Father Mackey for his outstanding personal commitment to ethics and to public service. The Commission and its staff are very proud to have known Father Mackey. We shall miss him as a leader of our community and as a champion of ethics.

## GOVERNOR APPOINTS TWO NEW MEMBERS TO THE COMMISSION

The State Ethics Commission extends a warm welcome to its newest members, Arlene Kim Ellis and Bernard LaPorte. Governor Cayetano appointed Ms. Ellis and Mr. LaPorte to the Commission in August.

Ms. Ellis is a past president of the League of Women Voters and has volunteered many years of service to the League. Mr. LaPorte is an electrical engineer with extensive employment experience in the private sector and the federal government.

The current commission members are Carl Sakata, chair; Leolani Abdul, vice chair; Dr. Sharon "Shay" Bintliff; Arlene Kim Ellis; and Bernard LaPorte.

## MOONLIGHTING AND ETHICS

State employees often earn extra income from outside jobs. Employees moonlight as part-time workers, consultants, and independent contractors for private businesses. Employees also operate their own businesses. The ethics code does not prohibit employees from having outside jobs or businesses. But the ethics code does prohibit some types of private employment and business activities. Moonlighting employees should keep in mind the following ethics guidelines.

**A state employee cannot accept work with a private employer who is subject to official action by the employee.** A state employee cannot acquire a new job with a business that may be involved in official action to be taken by the employee. An employee cannot work for a person or business that the employee inspects or supervises in the employee's official capacity.

**A state employee cannot be hired to perform work that is part of the employee's state job.** Except as provided by law, an employee cannot be paid by a private employer to perform work that is part of the employee's state duties or responsibilities.

**A state employee cannot assist or represent a private employer on certain transactions.** An employee cannot be paid to assist or represent any person or business on a transaction before the employee's state agency, or on a transaction in which the employee has participated or will participate as a state employee.

**A state employee cannot engage in substantial financial transactions with subordinates.** An employee cannot solicit, sell, or enter into a substantial financial transaction with a subordinate or with any person or business whom the employee inspects or supervises.

**A state employee cannot use state resources or the employee's state position for private business.** An employee cannot use the employee's state office or position to seek other employment or contracts for himself. An employee cannot use state time, equipment, or facilities for private business purposes.

**A state employee must abstain from taking official action affecting the employee's private employer.** If an employee already works for a private business, the employee must disqualify himself from taking official action that directly affects the business. An employee must also disqualify himself from taking official action that directly affects a private undertaking in which the employee is engaged as an attorney, advisor, consultant, representative, or agent.

*These are general guidelines only!* Employees with questions about the ethics code and how it may affect their private employment or business activities should contact the Commission's office for further advice from one of the Commission's staff attorneys. Employees should also check with their own departments regarding other possible restrictions on outside employment.

## **COMMISSION CHARGES STATE OFFICIAL FOR MISUSE OF STATE RESOURCES**

The State Ethics Commission issued a charge against a state official alleging that the official violated the ethics code by using state resources for private work at the official's residence. Acting in her state capacity, the official requested and obtained the use of state resources to clear a parcel of land on which the official resided. In an informal advisory opinion issued to the official, the Commission found that the official's actions appeared to violate HRS section 84-13 of the state ethics code. This section prohibits the use of one's official position to grant oneself or anyone else an unwarranted benefit. The Commission informed the official that if she reimbursed the State for use of the resources and presented proof of payment, the Commission would not pursue further charge proceedings. Otherwise, the Commission stated that it would consider taking further action on this matter. (Informal Advisory Opinion No. 95-4)

**Next Issue: Fundraising By State Officials.** Can state officials solicit funds from the private sector for a state sponsored conference? For a charitable cause? For an employee party? To what extent does the ethics code allow fundraising by state officials? Our next issue will address these questions.

The High Road is a publication of the Haw aii State Ethics Commission.

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